

BLANK ROME LLP  
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HUA DAO SHIPPING (FAR EAST) LTD.  
and Intervenor BM SHIPPING GROUP SPA  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DEVI TRADING CO. LTD.

Plaintiff,

-against-

LAND AIR & SEA TRANSPORTED LTD.  
and HUA DAO SHIPPING (FAR EAST)  
LTD.,

Defendants.

08 CV 5005 (LAP)

**NOTICE OF MOTION TO VACATE  
ATTACHMENT OF \$958,668.72 AND TO  
DISMISS COMPLAINT AGAINST  
DEFENDANT HUA DAO SHIPPING  
(FAR EAST) LTD.**

PLEASE TAKE NOTICE that on November 21, 2008, or as soon thereafter as may be convenient to the Court, Intervenor BM Shipping Group S.p.A. ("BM") and HUA DAO SHIPPING (FAR EAST) LTD. ("Hua Dao"), will move this Court for an Order vacating the attachment of \$958,668.72 ("Funds") presently being held by Garnishee Wachovia Bank and JP Morgan Chase pursuant to an Order of this Court dated May 30, 2008 (Doc. #6 on the Docket) ("Attachment Order"). The grounds of the Motion are as follows:

1. The Funds are the property of Intervenor BM, not of any defendant. BM has standing pursuant to Supplemental Rule E(4)(f) for Admiralty and Maritime Claims and Asset Forfeiture Claims ("Supplemental Rules") to intervene and seek the release of the Funds to BM.

2. The Complaint fails to state a cause of action against Huo Dao under Fed.R.Civ.P. 12(b)(6) and fails to state a "valid prima facie admiralty claim" against Hua Dao under applicable case law.

The Motion is based on the annexed Declarations and Exhibits of Umberto Nardi dated November 6, 2008; of Saleem Ahmed Shahzada dated November 6, 2008; the accompanying Memorandum of Law; and the pleadings heretofore had herein.

Opposition papers may be filed on or before November 17, 2008. Reply papers may be filed on or before November 21, 2008.

Dated: New York, New York  
November 7, 2008

Respectfully submitted,

BLANK ROME LLP

By: 

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